

### REMARKS

Claims 1-19 are pending in the present application. Claims 20-43 are cancelled herein. Claims 1 and 13 have been amended. No new matter has been added.

As an initial matter, claims 1 and 13 have been amended to correct minor grammatical errors and to more clearly recite Applicants invention. These amendments were not made for reasons of patentability.

Claims 1, 2, 4, 5, 9, 11, and 12-16 have been rejected under 35 U.S.C. § 102(e) as assertedly being anticipated by U.S. Patent Application Publication No. 2003/0011032 A1 to Umebayashi (hereinafter "Umebayashi"). Claim 3 has been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Umebayashi as applied to claim 2 above, and further in view of U.S. Patent No. 6,686,248 B1 to Yu (hereinafter "Yu"). Claims 6, 7, 17, and 18 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Umebayashi as applied to claim 1 above, and further in view of U.S. Patent No. 6,873,051 B1 to Paton et al. (hereinafter "Paton"). Claims 8 and 19 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Umebayashi as applied to claim 1 above, and further in view of U.S. Patent No. 6,797,641 B2 to Holmes et al. (hereinafter "Holmes"). Claim 10 has been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Umebayashi as applied to claim 1 above, and further in view of U.S. Patent No. 5,994,759 to Darmawan et al. (hereinafter "Darmawan"). Applicants respectfully traverse these rejections.

The Office Action asserted that Umebayashi discloses a *dummy silicide structure* as recited in Applicants' claims 1 and 13, referring to "the dummy silicided gate 71, the right gate of the plurality of gates numbered 71 in the figure [5A]" of Umebayashi. (Office Action, page 3.) Figure 5a of Umebayashi, however, fails to disclose a dummy structure as recited in Applicants' claims. A "dummy silicide structure" within the context of Applicants' patent application "does not perform a logical function for the circuitry contained on the semiconductor chip." (Applicants' patent application, paragraph 32.)

Umebayashi discloses a gate and word line that is formed in a trench. Generally, the process involves forming dummy gate patterns 71 as described in paragraph 62 with reference to

Figures 4A-4B. The dummy gate patterns 71 are used as masks to form the low concentration diffusion layers 72 (e.g., the source/drain regions). (Umebayashi, paragraph 63.) An insulating film 18 is deposited over the dummy gate patterns 71 (Umebayashi, paragraph 68, Figures 5A-5B), and a CMP process is performed to expose the top of the dummy gate patterns 71 (Umebayashi, paragraph 71, Figures 6A-6B). Thereafter, the material of the dummy gate patterns 71 is replaced. (Umebayashi, paragraph 72-74, Figures 7A-7B.)

Neither of the dummy gate patterns 71, however, are a "dummy silicide structure" as recited by Applicants' claim 1 and 13. In fact, the dummy gate pattern 71 on the right-hand side of Figure 5A of Umebayashi, which was referred to by the Office Action (see Office Action, pages 2-3), is a word line, *not a dummy structure as recited by Applicants' claims 1 and 13*. Umebayashi states that, in reference to Figure 1, "[t]he trench 81 formed in the first interlayer insulating film 18 is disposed on the element separating region 12 of the logic region, and a word line 84 is formed within the trench 81." (Umebayashi, paragraph 39.) The word line 84 of Figure 1 corresponds to the dummy gate pattern 71 on the right-hand side of Figure 5A. Even though the dummy gate pattern 71 of Umebayashi is removed in later processing steps, it is a logical component of the circuitry, *i.e.*, a word line. Thus, *the dummy gate pattern 71 of Umebayashi is not a dummy structure as recited in Applicants' claims 1 and 13*.

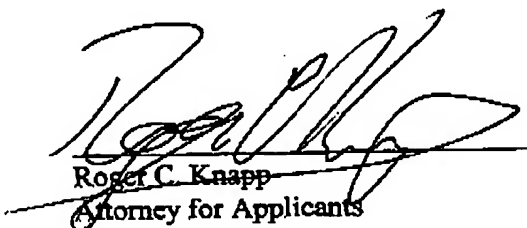
Because the cited reference, Umebayashi, does not disclose a "dummy silicide structure" as recited in Applicants' claims 1 and 13, it is respectfully requested that the rejections of claims 1 and 13 under 35 U.S.C. § 102(e) be withdrawn. Claims 2-12 and 14-19 depend from and further limit independent claims 1 and 13, and accordingly, it is also respectfully requested that the rejections of dependent claims 2-12 and 14-19 be withdrawn as well.

In view of the above, Applicants respectfully submit that the application is in condition for allowance and request that the Examiner pass the case to issuance. If the Examiner should have any questions, Applicants request that the Examiner contact Applicants' attorney at the address below. No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

  
Roger C. Knapp  
Attorney for Applicants  
Reg. No. 46,836

SLATER & MATSIL, L.L.P.  
17950 Preston Rd.  
Suite 1000  
Dallas, Texas 75252  
Tel. 972-732-1001  
Fax: 972-732-9218